IN THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY, MARYLAND

EDWARD C. SHEPHERD, IV
121 West Bay View Drive
Annapolis, MD 21403

Plaintiff,

v. **Case No. ____________**

SUPERVALU, INC.
101 Jefferson Avenue South
Hopkins, MN 00000

Serve:
The Corporation Trust, Inc.
351 West Camden Street
Baltimore, MD 21201-7912

and

JAMES SPRADBROW, Store Manager
of Shoppers Food Warehouse
786 Iron Gate Circle
Sykesville, MD 21784

Defendants.

CIVIL DEPARTMENT
2014 SEP 29 A 11: 28

COMPLAINT

The Plaintiff, Edward C. Shepherd, IV (hereinafter "Shepherd"), by his attorneys, George P. Patterson, Reinstein, Glackin, Patterson and Herriott, LLC, files suit for personal injuries and states as follows:

PARTIES

1. Shepherd, Plaintiff, is a resident of Anne Arundel County, Maryland.

2. Supervalu, Inc. trading as Shoppers Food Warehouse regularly conducts business in Anne Arundel County, Maryland.

3. James Spradbrow is the store manager for store number 2617 of Shoppers Food Warehouse, located in Anne Arundel County, Maryland.

4. The events described in the Complaint occurred in Anne Arundel County, Maryland.

STATEMENT OF FACTS

5. On or about January 28, 2012, the Plaintiff, Edward Shepherd, was a business invitee, shopping at the Shoppers Food Warehouse, located at 2371 Solomons Island Road, Annapolis, Maryland 21401. The Plaintiff, Shepherd, fell as a result of a defectively repaired display cabinet that created a dangerous condition. The Plaintiff fell as a result of a protruding piece of material under the display cabinet that caught Mr. Shepherd's shoe. This caused Mr. Shepherd to fall as he turned to walk away from the display cabinet. The defect violated industry standards and code requirements designed to protect pedestrians.

6. Defendant Shoppers Food Warehouse leased and exercised control over the property, including the display case that was used to market goods to the business invitees.

7. At all times in question, the Plaintiff, Shepherd, acted in a careful and prudent manner, without any negligence contributing to the resultant accident.

8. Defendant Supervalu, Inc. owned the display case that had the dangerous condition.

9. Defendant James Spradbrow was the director for the Supervalu, Inc. store and had supervisory responsibility to make sure that the property was safe and free of hazards for business invitees. This responsibility included determining whether

to attempt a repair of a display case with untrained personnel or to hire a professional contractor to repair the display case.

COUNT ONE
Negligence

10. Plaintiff hereby repeats and realleges, as though set forth fully herein, the allegations contained in Paragraphs 1 through 9 of this Complaint.

11. The Defendants had a duty to maintain the display case in a safe condition for pedestrians and business invitees like the Plaintiff to safely walk to and from the display cases in the store.

12. As a direct and proximate result of the aforesaid fall, which was caused by the negligence of the Defendants, Supervalu, Inc. and James Spradbrow, and the Plaintiff, Shepherd, who was at all times exercising due care, suffered severe pain and permanent injuries to his body, including a severe fracture to his hip and permanent scarring.

13. The Defendants failed to warn the plaintiff of the hazardous condition hidden on the underside of the display case, failed to properly repair a display case that had been damaged by Supervalu, Inc.'s agents, contractors or employees, and failed to maintain the display case in safe condition. The Defendants negligently failed to use steel guards to protect the display case from being damaged by employees, agents and customers moving merchandise in the store.

14. As a further direct and proximate result of the aforesaid negligence of the Defendants Supervalu, Inc., and James Spradbrow, the Plaintiff, Shepherd, has been forced to expend and will continue to expend large sums of money for

hospitalization, x-rays, doctors, nurses, medical treatment, and medicine for treatment of the aforesaid injuries to himself.

15. As a further direct result of the negligence of Defendants Supervalu, Inc., and James Spradbrow, the Plaintiff, Shepherd, was forced to remodel his home to accommodate his various temporary and permanent disabilities as a result of his injuries.

Wherefore, the Plaintiff, Edward Shepherd, seeks judgment against Defendants Supervalu, Inc., and James Spradbrow in an amount exceeding Seventy Five Thousand Dollars ($75,000.00), plus interest and costs of this suit.

COUNT TWO
Negligent Supervision

16. Plaintiff hereby repeats and realleges, as though set forth fully herein, the allegations contained in Paragraphs 1 through 15 of this Complaint.

17. The Defendants, James Spradbrow, and Supervalu, Inc., monitored the premises and had a duty to monitor the premises for safety hazards and to prevent foreseeable safety hazards.

18. The Defendants negligently failed to install guards to prevent the display cases from being damaged in the ordinary course of the business of stocking and restocking goods or pallets throughout the store. The Defendants had a duty to monitor all repairs done by their employees, agents and contractors to make sure they were done safely.

19. The Plaintiff fell and sustained severe and debilitating injuries as a result of the dangerous condition on the premises that resulted from a failure to supervise.

20. The Defendants negligently supervised the maintenance and repair of the display case by employees, agents and/or independent contractors, resulting in a hazardous condition that was not repaired or marked with warning devices.

21. The Defendants had the ability to identify the hazard, prevent the hazard, and to correct the hazard.

22. As a result of the aforementioned failures, the Plaintiff sustained the aforementioned injuries and damages.

Wherefore, the Plaintiff, Edward Shepherd, seeks judgment against Defendants Supervalu, Inc., and James Spradbrow in an amount exceeding Seventy Five Thousand Dollars ($75,000.00), plus interest and costs of this suit.

Respectfully submitted,

George P. Patterson, Esquire
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HERRIOTT, LLC
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